



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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Investigation on the Commission's Own)
Motion into the Practices of the Southern) I.06-06-014
California Edison Company to Determine the)
Violations of the Laws, Rules, and) (Filed June 15, 2006)
Regulations Governing Performance Based)
Ratemaking, its Monitoring and Reporting to)
the Commission, Refunds to Customers and)
other Relief, and Future Performance Based)
Ratemaking for this Utility.)

**RESPONSE OF THE CONSUMER PROTECTION AND SAFETY DIVISION
(CPSD) TO MOTION OF SOUTHERN CALIFORNIA EDISON COMPANY
REGARDING CONFIDENTIALITY OF THE CPSD REPORT AND OTHER
SUPPORTING DOCUMENTS**

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Dated July 6, 2006

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I. INTRODUCTION

In accordance with the schedule set forth in Order Instituting Investigation (I. or OII) 06-06-014, issued June 15, 2006, the Consumer Protection and Safety Division (CPSD) hereby responds to the direction of the California Public Utilities Commission (CPUC or Commission) and to Southern California Edison (SCE) Company's June 29 motion requesting interim confidential treatment¹ of (1) portions of the June 15, 2006 CPSD Report, (2) SCE's interview notes, (3) transcripts of examinations under oath taken by CPSD, (4) and other information that was obtained by the CPSD through discovery requests.

¹I.06-06-014, p. 3.

II. DISCUSSION

Before SCE filed its motion, CPSD and SCE discussed confidentiality issues and reached agreement on interim procedures to protect SCE's confidentiality concerns and still provide for public availability of CPSD's Investigative Report and other supporting documents. Based on the agreement reached and the statement by SCE that the CPSD Report, in its current form with some additional masking of a few employee names, should be released publicly, CPSD requests that the Commission act as soon as possible to permit the CPSD Report to be publicly released. The agreement provides for reasonable interim protection of SCE confidentiality concerns while also permitting the public availability of (1) SCE's interview notes, (2) transcripts of examinations under oath taken by CPSD, (3) other information that was obtained by the CPSD through discovery requests, (4) provision of confidential information to other parties, and the (5) future modification of the confidentiality proposals, if need be.

CPSD has two additional comments. First, SCE's request concerning the availability of transcripts for examinations under oath is ambiguous. SCE refers to transcript release "to parties" of the transcripts (motion p.4), but later refers to "public disclosure" of the transcripts (motion p.5). The two are not necessarily the same. The Commission should authorize the public release of the transcripts as masked by SCE.

Second, SCE attached a nondisclosure agreement to its motion. CPSD is bound by the confidentiality requirements of Public Utilities Code Section 583. While other parties may wish to execute a confidentiality agreement with SCE, CPSD does not expect to be a party to a written confidentiality agreement. Further, CPSD has not reviewed the agreement and does not claim to speak for intervenors that may or may not object to all or part of the nondisclosure agreement.

Finally, CPSD requests an expedited ruling that the CPSD Report and supporting documents be released publicly immediately under the conditions agreed between SCE and CPSD. A prehearing conference (PHC) is set for July 25, and the data should be released before the PHC so that parties may prepare for it and for hearings.

III. CONCLUSION

For the reasons discussed above, CPSD requests that the Commission authorize CPSD to publicly release, as soon as possible, the CPSD Report and the supporting documents discussed infra.

Respectfully submitted,

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Dated July 6, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of “**RESPONSE OF THE CONSUMER PROTECTION AND SAFETY DIVISION (CPSD) TO MOTION OF SOUTHERN CALIFORNIA EDISON COMPANY REGARDING CONFIDENTIALITY OF THE CPSD REPORT AND OTHER SUPPORTING DOCUMENTS**” in **I.06-06-014** by using the following service:

[**X**] **E-Mail Service:** sending the entire document as an attachment to all known parties of record who provided electronic mail addresses.

[**X**] **U.S. Mail Service:** mailing by first-class mail with postage prepaid to all known parties of record who did not provide electronic mail addresses.

Executed on July 6, 2006 at San Francisco, California.

/s/ Martha Perez
Martha Perez

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address and/or e-mail address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

SERVICE LIST I.06-06-014

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